

(e) *The board may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.*

(f) *The board shall adopt rules necessary to implement this section.*

SECTION 2. Subsections (c) and (d), Section 164.002, Occupations Code, are amended to read as follows:

(c) An agreed disposition is a disciplinary order for purposes of reporting under this subtitle and of administrative hearings and proceedings by state and federal regulatory agencies regarding the practice of medicine. An agreed disposition *or a remedial plan under Section 164.0015* is public information.

(d) In civil litigation, an agreed disposition *or a remedial plan under Section 164.0015* is a settlement agreement under Rule 408, Texas Rules of Evidence. This subsection does not apply to a license holder who has previously entered into an agreed disposition with the board of a different disciplinary matter or whose license the board is seeking to revoke.

SECTION 3. (a) The Texas Medical Board shall adopt rules under Section 164.0015, Occupations Code, as added by this Act, not later than January 1, 2012.

(b) Section 164.0015, Occupations Code, as added by this Act, applies only to a complaint under Subtitle B, Title 3, Occupations Code, filed on or after the effective date of this Act. A complaint under Subtitle B, Title 3, Occupations Code, filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2011.

Passed the Senate on April 7, 2011: Yeas 31, Nays 0; passed the House on May 19, 2011: Yeas 148, Nays 0, one present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 601

S.B. No. 229

AN ACT

relating to newborn hearing screenings and hearing services for certain children.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivision (2), Section 47.001, Health and Safety Code, is amended to read as follows:

(2) "Birthing facility" means:

(A) a hospital licensed under Chapter 241 that offers obstetrical services [~~and is located in a county with a population of more than 50,000~~]; [~~or~~]

(B) a birthing center licensed under Chapter 244;

(C) a children's hospital; or

(D) a facility, maintained or operated by this state or an agency of this state, that provides obstetrical services [~~that is located in a county with a population of more than 50,000 and that has 100 or more births per year~~].

SECTION 2. Chapter 47, Health and Safety Code, is amended by adding Section 47.0035 to read as follows:

Sec. 47.0035. REFERRAL TO PROGRAM BY MIDWIFE. (a) In this section, "midwife" has the meaning assigned by Section 203.002, Occupations Code.

(b) A midwife who attends the birth of a newborn:

(1) is not required to offer the parents of a newborn a hearing screening for the newborn for the identification of hearing loss; and

(2) shall refer the parents of the newborn to a birthing facility or a provider that participates in the program.

SECTION 3. Section 47.007, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsections (d) through (g) to read as follows:

(a) The department shall provide each birthing facility that provides newborn hearing screening under the state's medical assistance program provided under Chapter 32, Human Resources Code, with *access to* the appropriate information management, reporting, and tracking system ~~[software]~~ for the program. The information management, reporting, and tracking system must be capable of providing the department with information and data necessary to plan, monitor, and evaluate the program, including the program's screening, follow-up, diagnostic, and intervention components.

(c) A birthing facility described by Subsection (a) shall report the resulting information in the format and within the time frame specified by the department.

(d) A qualified hearing screening provider, audiologist, intervention specialist, educator, or other person who receives a referral from a program under this chapter shall:

(1) provide the services needed by the child or refer the child to a person who provides the services needed by the child; and

(2) provide, with the consent of the child's parent, the following information to the department or the department's designee:

(A) results of follow-up care;

(B) results of audiologic testing of infants identified with hearing loss; and

(C) reports on the initiation of intervention services.

(e) A qualified hearing screening provider, audiologist, intervention specialist, educator, or other person who provides services to infants who are diagnosed with hearing loss shall provide, with the consent of the infant's parent, the following information to the department or the department's designee:

(1) results of follow-up services;

(2) results of audiologic testing of infants identified with hearing loss; and

(3) reports on the initiation of intervention services.

(f) A hospital that provides services under this chapter shall use the information management, reporting, and tracking system, which the department has provided the hospital with access to, to report, with the consent of the infant's parent, the following information to the department or the department's designee:

(1) results of all follow-up services for infants who do not pass the birth admission screening if the hospital provides the follow-up services; or

(2) the name of the provider or facility where the hospital refers an infant who does not pass the birth admission screening for follow-up services.

(g) The department shall ensure that the written consent of a parent is obtained before any information individually identifying the newborn or infant is released through the information management, reporting, and tracking system.

SECTION 4. Section 47.002, Health and Safety Code, is repealed.

SECTION 5. Notwithstanding Subdivision (2), Section 47.001, Health and Safety Code, as amended by this Act, the change in law made by this Act applies only to a birth admission at a birthing facility on or after September 1, 2012.

SECTION 6. This Act takes effect September 1, 2011.

Passed the Senate on April 7, 2011: Yeas 31, Nays 0; the Senate concurred in House amendment on May 25, 2011: Yeas 31, Nays 0; passed the House, with amendment, on May 23, 2011: Yeas 142, Nays 0, one present not voting.

Approved June 17, 2011.

Effective September 1, 2011.